

REMARKS

Claims 20-45 and 47 are pending in the application. Claim 46 has been cancelled. Claims 20 and 39 have been amended. No new matter has been introduced. Applicants gratefully acknowledge the statement that claims 22, 27-33 and 38 contain allowable subject matter.

Claims 20-21, 23, 26, 34-37, 39-45 and 47 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 5,306,238 to Fleenor (“Fleenor”). The rejection is respectfully traversed.

Independent claim 20 recites, *inter alia*, “a gas and high frequency current supply pipe formed of an electrically conductive material and attached to said cutting electrode, said pipe forming a passage that communicates a gas from said gas and high frequency current terminal to a location proximate to said cutting electrode, said electrically conductive material of said pipe conducting a high frequency current that drives said cutting electrode from said gas and high frequency current terminal to said cutting electrode.”

Independent claim 39 recites, *inter alia*, “a supply pipe formed of an electrically conductive material ... said pipe forming a passage that communicates a gas flow; said electrically conductive material of said pipe conducts a high frequency current that drives said electrode.”

In the claimed invention, the supply pipe is formed of an electrically conductive material. The pipe forms a passage through which gas flows and the electrically conductive material of the pipe conducts a high frequency current that drives the electrode. Accordingly, the pipe of the claimed invention acts both as a gas supply pipe **and** as an element providing electrical current to the electrode.

Fleenor fails to teach a supply pipe that is made of conductive material, that forms a passage to supply gas and conducts current to the electrode. Accordingly, Fleenor fails to teach “a gas and high frequency current supply pipe formed of an electrically conductive material and attached to said cutting electrode, said pipe forming a passage that communicates a gas from said gas and high frequency current terminal to a location proximate to said cutting electrode, said electrically conductive material of said pipe conducting a high frequency current that drives said

cutting electrode from said gas and high frequency current terminal to said cutting electrode” as recited in independent claim 20 and “a supply pipe formed of an electrically conductive material; ... said pipe forming a passage that communicates a gas flow; said electrically conductive material of said pipe conducts a high frequency current that drives said electrode” as recited in independent claim 39.

Claims 21, 23, 26, 34-37 depend from independent claim 1 and claims 34-45 and 47 depend from independent claim 39 and thus claims 21, 23, 26, 34-37, 44, 45 and 47 are allowable for at least the reasons discussed above. Accordingly, Applicants respectfully request that the rejection be withdrawn.

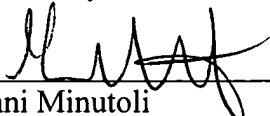
Claims 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fleenor in view of U.S. Patent 5,836,909 to Cosmescu (“Cosmescu”). Claims 24-26 depend from independent claim 20 and are allowable for at least the reasons mentions above with respect to claim 20. Accordingly, the rejection should be withdrawn. Claim 46 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Fleenor in view of U.S. Patent 6,602,249 to Stoddard (“Stoddard”). Claim 46 has been cancelled. Accordingly, Applicants respectfully request withdrawal of the rejection.

Claims 22, 27-33 and 38 stand objected to as being dependent upon a rejected base claim. Applicants believe claims 22, 27-33 and 38 depend upon allowable base claims. Applicants believe the base claims are allowable for at least the reasons discussed above. Accordingly, Applicants respectfully request withdrawal of the objection.

In view of the above, Applicants believe the pending application is in condition for allowance. Favorable action on the merits is earnestly solicited.

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